陳誠副總統先生惠存

聯合國新聞自由會議決議全文

一九四八年三月廿三日至四月廿一日聯合國新聞自由會議決議全文，敬翻印一冊奉上，以供參攷。其中文譯本，已由中央日報資料室逐譯，容再奉上。

馬星野

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

1. Pursuant to Resolution 74 of the Fifth Session of the Economic and Social Council, the United Nations Conference on Freedom of Information met at the European Headquarters of the United Nations, Geneva, Switzerland, during the period from 23 March to 21 April 1948.

2 Delegations representing the following Governments attended the Conference:

1. AFGHANISTAN
2. ALBANIA
3. ARGENTINA
4. AUSTRALIA
5. AUSTRIA
6. BELGIUM
7. BRAZIL
8. BULGARIA
9. BYELORUSSIAN SOVIET SOCIALIST REPUBLIC
10. CANADA
11. CHILE
12. CHINA
13. COLOMBIA
14. COSTA RICA
15. CUBA
16. CZECHOSLOVAKIA
17. DENMARK
18. DOMINICAN REPUBLIC
19. ECUADOR
20. EGYPT
21. EL SALVADOR
22. ETHIOPIA
23. FINLAND
24. FRANCE
25. GREECE
26. GUATEMALA
27. HUNGARY
28. INDIA
29. ITALY
30. LEBANON
31. LUXEMBOURG
32. MEXICO
33. NETHERLANDS
34. NEW ZEALAND
35. NICARAGUA
36. NORWAY
37. PAKISTAN
38. PANAMA
39. PERU
40. PHILIPPINES
41. POLAND
42. PORTUGAL
43. ROUMANIA
44. SWEDEN
45. SWITZERLAND
46. TURKEY
47. UKRAINIAN SOVIET SOCIALIST REPUBLIC
48. UNION OF SOUTH AFRICA
49. UNION OF SOVIET SOCIALIST REPUBLICS
50. UNITED KINGDOM
51. UNITED STATES OF AMERICA
52. URUGUAY
53. VENEZUELA
54. YUGOSLAVIA

Observers representing the following governments attended:

BOLIVIA IRAN IRELAND

Observers and Consultants from the following Organizations attended:

Inter-Governmental:

International Labour Office.
International Telecommunications Union.
United Nations Educational, Scientific and Cultural Organization.

Non-Governmental:

International Cooperative Alliance.
International Organization of Industrial Employers.
International Organization of Journalists.
Inter-Parliamentary Union.
World Federation of United Nations Associations.

3. The Conference elected Ambassador Carlos P. ROMULO (The Philippines) as President. Delegates representing the following countries were elected Vice-Presidents: Canada, China, Cuba, France, the Union

of Soviet Socialist Republics, the United Kingdom and the United States of America.

4. The Conference adopted as its Agenda the Provisional Agenda proposed by the Economic and Social Council with the addition of the two Resolutions referred to the Conference by the General Assembly, on Measures to be Taken Against Propaganda and the Inciters of a New War and False or Distorted Reports; and two proposals made by the International Organization of Journalists.

5. The Conference adopted as its Rules of Procedure the Draft Rules of Procedure prepared by the Secretary-General at the request of the Economic and Social Council. When challenged, the decision of the Council that voting rights at the Conference be exercised only by Members of the United Nations was reaffirmed.

6. The Conference set up the following Committees:

(a) A General Committee (Bureau), comprising the President of the Conference, the Vice-Presidents, and the Chairmen of the four principal committees;

(b) four principal committees upon which each delegation was invited to be represented:

(i) Committee I, on the basic tasks of the press and other media of information, and the basic principles of freedom of information, as well as general problems common to other committees.

This Committee held thirty-one meetings. Dr. G. J. van Heuven GOEDHART (the Netherlands) was elected Chairman; Mr. Franco ROSSI (Uruguay), Vice-Chairman; and Mr. Nihat ERIM (Turkey), Rapporteur.

(ii) Committee II, on the gathering and international transmission of information.

This Committee held twenty-two meetings. Dr. Vladislav RIBNIKAR (Yugoslavia) was elected Chairman; Mr. Jamil MIKAOUI (Lebanon), Vice-Chairman; and Mr. Sven DAHLMAN (Sweden), Rapporteur.

(iii) Committee III, on the free publication and reception of information.

This Committee held eighteen meetings. Dr. Raul NORIEGA (Mexico) was elected Chairman; Mr. Christian CHRISTENSEN (Norway), Vice-Chairman; and Mr. S. M. IKRAM (Pakistan), Rapporteur.

(iv) Committee IV, on law and continuing machinery.

This Committee held twenty-seven meetings. Sir Ramaswami MUDALIAR (India) was elected Chairman; Mr. Alexei ROMANOV (Byelorussian S. S. R.), Vice-Chairman; and Professor Fernand DEHOUSSE (Belgium), Rapporteur.

(c) A Committee on Credentials, comprising the Representatives of Argentina, Australia, Belgium, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Denmark, Egypt, Pakistan and Venezuela, of which Mr. Emilio D. CIPOLETTI (Argentina) was elected Chairman and Rapporteur. This Committee held three meetings, and reported to the Conference on the credentials of the Representatives.

7. The Conference resolved:

(i). That all documents passed by the Conference, Resolutions or Draft Conventions, be referred to the Economic and Social Council for study at its next session;

(ii). That all Governments invited to this Conference be requested to forward to the Secretary-General of the United Nations before 5 July 1948 their comments on the Draft Conventions proposed by the Conference and proposals for other Draft Conventions based on the recommendations of this Conference;

(iii). That the Economic and Social Council be requested to examine, at its Seventh Session, the Draft Conventions referred to it by the Conference, in the light of such comments and other proposed Draft Conventions as provided in paragraph 2; and to submit to the General Assembly, at its third session, Draft Conventions which may thereafter be opened at that session for signature or accession by those States entitled and willing to become parties thereto and remain open subsequently for additional accessions.

8. On the basis of the deliberations of the Conference and its committees, as recorded in the records and reports of the plenary meetings and the meetings of the respective committees, the Conference prepared and forwarded to the Economic and Social Council the Draft Conventions referred to above, which are appended to this Final Act as Annex A.

9. At the request of the Economic and Social Council, the Conference also prepared draft articles for the Draft Declaration on Human Rights and the Draft Covenant on Human Rights. These draft articles are appended to this Final Act as Annex B.

10. In addition, the Conference adopted the resolutions which are appended to this Final Act as Annex C.

11. The Conference authorized its Executive Secretary to bring this Final Act to the attention of the Economic and Social Council.

12. IN WITNESS WHEREOF the President and the Executive Secretary of the Conference have signed this Final Act in the English and French languages, in the City of Geneva, this 22nd day of April 1948, each text being equally authentic. Texts in the five official languages of the United Nations will be deposited with the Secretary-General of the United Nations who will send certified copies to each of the Governments invited to send Representatives to the Conference.

The President of the Conference:

(SIGNED) CARLOS P. ROMULO

The Executive Secretary of the Conference:

(SIGNED) JOHN P. HUMPHREY

ANNEX A

DRAFT CONVENTIONS

I. DRAFT CONVENTION ON THE GATHERING AND INTERNATIONAL TRANSMISSION OF NEWS.

THE CONTRACTING STATES,
DESIRING to implement the right of their peoples to be fully informed,
DESIRING to improve understanding between their peoples through the free flow of information and opinion,
HAVING RESOLVED to conclude a Convention for this purpose,
HAVE AGREED as follows:

Article 1

For the purposes of the present Convention, the following expressions are to be understood in the sense hereinafter defined.

A. Information Agency

A press, radio or film organization, whether public or private, created or organized under the applicable laws and regulations within the territories of a Contracting State, regularly engaged in the collection and dissemination of news (including opinion) to the public, including press associations, news feature services, newspapers, periodicals, radio and television broadcasting organizations, and newsreel companies.

B. Foreign Correspondent

An individual employed by an information agency, or a national of a Contracting State, who in either case is regularly engaged in the collection and reporting of news (including opinion) to the general public, and who is the holder of a valid passport identifying him as a correspondent or of a similar document internationally accepted identifying him as such.

C. News Material

All news material, whether of information or opinion, and whether visual or auditory, for public dissemination.

Article 2

In order to encourage the freest possible movement of foreign correspondents in the performance of their functions, the Contracting States shall expedite, in a manner consistent with their respective laws and procedures, the administrative measures necessary for the entry, residence, movement and travel of foreign correspondents, together with their professional equipment, and shall impose no special, discriminatory or unusual restrictions on such ingress or egress, nor upon the transit through or residence in their territories of such correspondents.

Article 3

The Contracting States shall permit and encourage the widest possible access to news, official and non-official, for all foreign correspondents on the same basis as for national correspondents and shall not discriminate among foreign correspondents as regards such access.

Article 4

The Contracting States shall permit egress from their territory of all news material of foreign correspondents and foreign information agencies without censorship, editing or delay; provided that each of

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the Contracting States may make and enforce regulations relating directly to the maintenance of national military security. Such regulations must, however, be communicated to foreign correspondents and apply equally to all foreign correspondents and foreign information agencies.

If the requirements of national military security should compel a Contracting State, in peace-time, to establish censorship for a certain period of time, it shall:

(1) establish in advance such categories of news material for for the use of an information agency in another country as are subject to previous inspection and publish the directives of the censor announcing forbidden matters;

(2) carry out censorship as far as possible in the presence of the foreign correspondent;

(3) where censorship in the presence of the person concerned is not possible:

(a) fix the time-limit allowed the censors for the return of the news material;

(b) require the return of news material submitted for censorship direct to the foreign correspondent or foreign information agency so that they may know at once what has been censored in their text and what use they may make of the censored information;

(c) base the charge on the number of words composing a telegram after censorship;

(d) return the total telegraph charges for telegrams submitted for censorship, the transmission of which has been delayed more than six hours.

Article 5

The Contracting States, while recognizing that foreign correspondents must conform to the laws in force in the countries in which they are operating, agree that foreign correspondents legally admitted into their territories shall not be expelled on account of any lawful exercise of their right to seek, receive or impart information or opinion.

Article 6

The Contracting States agree that foreign correspondents shall have access to all facilities generally and publicly used for the international transmission of news material and may transmit news material from one country to another on the same basis and at the same rates applicable to all other users of such facilities for similar purposes.

Article 7

Each of the Contracting States agrees to permit all news material of foreign correspondents and information agencies of the other Contracting States to enter its territory and reach information agencies operating therein on the same conditions as are accorded to any other foreign information agencies.

Article 8

Nothing herein contained shall be construed as depriving any Contracting State of its right to make and enforce regulations prohibiting obscene news material.

Article 9

The present Convention shall not apply to foreign correspondents

who, while not otherwise admissible under Article 2 into the territory of a Contracting State, are nevertheless admitted conditionally in accordance with an agreement between that Contracting State and the United Nations, or a Specialized Agency thereof, in order to cover its proceedings, or pursuant to a special arrangement made by the Contracting State in order to facilitate the entry of such correspondents.

Article 10

Nothing herein contained shall be interpreted as exempting foreign correspondents or foreign information agencies from public laws and regulations promulgated by any Contracting State for the protection of national security.

Article 11

The present Convention shall be ratified on behalf of the States signatory hereto in conformity with their respective constitutional procedures. The instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify all signatory and acceding States of each such deposit.

Article 12

The present Convention shall remain open for accession of all States which are not signatories. Instruments of accession shall be deposited with the Secretary-General of the United Nations, who shall notify all signatory and acceding States of each such deposit.

Article 13

The present Convention shall come into force as soon as two States have deposited their respective instruments of ratification or accession. The Convention thereafter shall come into force with respect to each other State on the date of the deposit of its instrument of ratification or accession.

Article 14

(a) A State party to the present Convention may at the same time of its accession thereto or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that the present Convention shall extend to any of the territories for the international relations of which it is responsible, and the Convention shall extend to the territories named in the notification as from the thirtieth day after the date of receipt by the Secretary-General of the United Nations of the notification.

The respective Contracting States undertake to seek immediately the consent of the Governments of such territories to the application of the present Convention to such territories, and to accede forthwith on behalf of and in respect of each such territory, if and when its consent has been obtained.

(b) A State which has made a declaration under paragraph (a) above extending the present Convention may with the concent of the Government concerned at any time thereafter by notification to the Secretary-General of the United Nations declare that the Convention shall cease to extend to any territory named in the notification, and the Convention shall then cease to extend to such territory six months after the date of receipt by the Secretary-General of the United Nations of the notification.

Article 15

The present Convention shall remain in force indefinitely, but may be denounced by any Contracting State, by means of six months' notice in writing given to the Secretary-General of the United Nations, who shall transmit a copy of the notice to each of the other Contracting States. After the expiration of this period of six months, the Convention shall cease in its effect as regards the State which denounces it, but shall remain in force for the remaining Contracting States.

IN WITNESS WHEREOF, the Plenipotentiaries of the respective States, being duly authorized thereto, have signed the present Convention.

DONE at _____ this _____ day of _____, 1948 in the _____ languages, each equally authentic, the original of which shall be deposited in the archives of the United Nations. shall transmit certified copies thereof to all the signatory and acceding States.

II. DRAFT CONVENTION CONCERNING THE INSTITUTION OF AN INTERNATIONAL RIGHT OF CORRECTION.

THE GOVERNMENTS PARTIES to the present Convention,

CONSIDERING the danger to the maintenance of friendly relations between peoples and to the preservation of peace, presented by the publication of inaccurate reports;

CONSIDERING that at its Second Session, the General Assembly of the United Nations recommended the adoption of measures designed to promote friendly relations among nations and to combat the dissemination of false or distorted reports likely to injure the friendly relations between States;

CONSIDERING, however, that it does not at present appear possible or desirable to envisage the institution on the international level of a procedure for verifying the accuracy of a report such as might lead to the imposition of penalties for the publication of false or distorted reports;

CONSIDERING, moreover, that to prevent the publication of false or distorted news or to reduce its pernicious effects, it is above all necessary to sharpen the sense of responsibility of the various media of information and to promote the wide circulation of news;

That an effective means to this end is to give all those directly affected by a report which they consider false or distorted and which is spread by an organ of information the possibility of ensuring commensurate publicity for their corrections or replies; that the right of reply or correction had been embodied in the legislation of a large number of States and that its legitimacy is recognised in the Draft of Article 17 of the Covenant on Human Rights which the Sub-Commission on Freedom of Information and of the Press decided, at its Second Session, to recommend to the Commission on Human Rights; that failing the adoption, by all States, in their own legislation, of a like right available to foreign nationals under the same conditions as to their own nationals, it is particularly desirable to institute on the international level a right of correction; that it is necessary, however, in order to prevent any abuse; strictly to define the extent of the

right of correction, and clearly to specify the conditions for its exercise:

HAVE ADOPTED the following Articles:

Article 1

In cases where a Contracting State alleges that news reports likely to injure its relations with other States transmitted from one country to another country by foreign correspondents or by news agencies and disseminated abroad, are false or distorted, it may submit its version of the facts (hereinafter called "communiqué") to the Contracting States within whose territories such reports have been published in one or more newspapers or periodicals or disseminated by radio. Such communiqué may be issued only with respect to news reports and must be without comment or expression of opinion. As far as possible the communique should not contain a larger number of words than the news report objected to, and in no case more than double the number of words in the news report to be corrected. The communiqué must be accompanied by a verbatim text of the report as published or disseminated, and by evidence that the report objected to has been transmitted from one country to another by a foreign correspondent or by a news agency.

Article 2

1. Any Government of a Contracting State receiving such a communique shall, whatever be its opinion concerning the facts in question, make available to the news enterprises functioning in the territory where it exercises its authority the communiqué of the Government exercising the right of correction and, within five clear days from the date of receiving this communiqué, shall facilitate its dissemination through customary channels in accordance with its procedure for releasing news concerning international afairs.

2. In the event of the failure of any Contracting State to discharge its obligation under this article with respect to the communiqués of another Contracting State, the latter may discharge on the basis of reciprocity its obligation with respect to any communiqués thereafter submitted to it by the defaulting State.

Article 3

If any of the Contracting States to which this communiqué has been transmitted fails to fulfil, within the prescribed time-limit, the obligation laid down in the preseding article, the Government exercising the right of correction may submit the said communiqué to the Secretary-General of the United Nations who shall, within five clear days from the receipt thereof, give it appropriate publicity. This paragraph shall come force as soon as the General Assembly of the United Nations has instructed its Secretary-General to perform this duty.

Article 4

Every Contracting State may, to the extent strictly limited by the exigencies of the situation, derogate from obligations under the present Convention.

a) as long as a state of war or public emergency prevails in its own territory,

b) as long as such a state prevails in the territory of one or other Contracting States, but only with regard to those States.

Article 5

Any dispute between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiations shall be referred to the International Court of Justice for decision unless the Contracting States agree to another mode of settlement.

Article 6

The present Convention shall be open for accession to every State invited to the United Nations Conference on Freedom of Information held at Geneva in March and April, 1948, and to every other State which the General Assembly of the United Nations shall, by resolution, declare to be eligible.

Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 7

When any two of the States mentioned in Article 6 have deposited their instruments of accession, the present Convention shall come into force between them on the thirtieth day after the date of the deposit of the second instrument of accession. It shall come into force for each State which accedes after that date on the thirtieth day after the deposit of its instrument of accession.

Article 8

Any Contracting State may denounce the present Convention by notification of denunciation to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt by the Secretary-General of the United Nations of the notification of denunciation.

Article 9

1. A State party to the present Convention may at the same time of its accession thereto or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that the present Convention shall extend to any of the territories for the international relations of which it is responsible, and the Convention shall extend to the territories named in the notification as from the thirtieth day after the date of receipt by the Secretary-General of the United Nations of the notification. The respective Contracting States undertake to seek immediately the consent of the Governments of such territories to the application of the present Convention to such territories, and to accede forthwith on behalf of and in respect of each such territory, if and when its consent has been obtained.

2. A State which has made a declaration under paragraph 1 above extending the present Convention may with the consent of the Government concerned at any time thereafter by notification to the Secretary-General of the United Nations declare that the Convention shall cease to extend to any territory named in the notification, and the Convention shall then cease to extend to such territory six months after the date of receipt by the Secretary-General of the United Nations of the notification.

Article 10

The Secretary-General of the United Nations shall notify each of the States referred to in Article 6 of the date of the deposit of every instrument of accession and of the date on which this Convention comes into force and of any information received by him

in accordance with the provisions of Article 5 and of every notification received by him in accordance with the provisions of Articles 7 or 8.

III. DRAFT CONVENTION ON FREEDOM OF INFORMATION.

THE STATES PARTIES TO THIS CONVENTION,

CONSIDERING that the free interchange of information and opinions, both in the national and in the international sphere, is a fundamental human right and essential in the cause of peace and for the achievement of political, social and economic progress,
and
DESIRING to co-operate fully with one another to promote the peace and welfare of mankind by this means,
HAVE ACCEPTED the following provisions:

Article 1

Subject to the provisions of Articles 2,4, 5 and 6 of this Convention,

a) each Contracting State shall secure to all its own nationals and to the nationals of every other Contracting State lawfully within its territory freedom to impart and receive information and opinions, orally, by written or printed matter, in the form of art, or by legally operated visual or auditory devices without governmental interference;

b) no Contracting State shall regulate or control the use or availability of any of the means of communication referred to in the preceding paragraph, in any manner discriminating against any of its own nationals or of the nationals of any other Contracting State on political or personal grounds or on the basis of race, sex, language or religion;

c) each Contracting State shall secure to all its own nationals and to the nationals of every other Contracting State, freedom to transmit and listen to information and opinions within its territories and across its frontiers by any legally operated means without governmental interference;

d) each Contracting State shall permit the nationals of other Contracting States as much freedom to seek information as it grants to its own nationals;

e) the Contracting States shall encourage and facilitate the interchange between their territories of those of their nationals engaged in the gathering of information and opinions for dissemination to the public and shall deal expeditiously with applications by such persons to enter their territories.

Article 2

1. The freedoms referred to in Paragraphs (a), (c) and (d) of Article 1 carry with them duties and responsibilities and may therefore by subject to necessary penalties, liabilities and restrictions clearly defined by law, but only with regard to:

(a) matters which must remain secret in the interest of national safety;
(b) expressions which incite persons to alter by violence the system of government or which promote disorder;
(c) expressions which incite persons to commit criminal acts;

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(d) expressions which are obscene or which are dangerous for youth and expressed in publications intended for them;
(e) expressions which are injurious to the fair conduct of legal proceedings;
(f) expressions which infringe literary or artistic rights;
(g) expressions about other persons, natural or legal, which defame their reputations or are otherwise injurious to them without benefiting the public;
(h) legal obligations resulting from professional, contractual or other legal relationships including disclosure of information received in confidence in a professional or official capacity;
(i) the prevention of fraud;
(j) the systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples or States.

2. A Contracting State may establish on reasonable terms a right of reply or a similar corrective remedy.

Article 3

Each Contracting State shall encourage the establishment and functioning within its territory of one or more non official organizations of persons employed in the dissemination of information to the public, in order to promote the observance by such persons of high standards of professional conduct, and in particular:

(a) to report facts without prejudice and in their proper context and to make comments without malicious intent;
(b) to facilitate the solution of the economic, social and humanitarian problems of the world as a whole and the free interchange of information bearing on such problems;
(c) to help promote respect for human rights and fundamental freedoms without discrimination;
(d) to help maintain international peace and security;
(e) to counteract the persistent spreading of false or distorted reports which promote hatred or prejudice against States, persons or groups of different race, language, religion or philosophical conviction.

Article 4

Nothing in the present Convention shall affect the right of any Contracting State to take measures which it deems necessary in order:
(a) to bring its balance of payments into equilibrium;
(b) to develop its national news enterprises until such time as such news enterprises are fully developed;
(c) to prevent agreements in restraint of the free flow of information or the cartelization in regard to information:

provided that such measures may not be used as a means of preventing the entry of nationals of other Contracting States who are engaged in the gathering of information and opinions for dissemination to the public.

Article 5

Nothing in the present Convention shall prevent a Contracting State from reserving under its legislation to its own nationals the right to edit newspapers or news periodicals produced within its territory.

Article 6

Nothing in the present Convention shall limit the discretion of any Contracting State to refuse entry into its territory to any particular person, or to restrict the period of his residence thereon.

Article 7

As between the Contracting States which become parties to any general agreement on Human Rights psonsored by the United Nations and containing provisions relating to freedom of information, the present Convention shall be superseded by such agreement to the extent that the two instruments are inconsistent.

Article 8

In time of war or other public emergency a Contracting State may take measures derogating from its obligations under the present Convention to the extent strictly limited by the exigencies of the situation.

Any Contracting State availing itself of this right of derogation shall promptly inform the Secretary-General of the United Nations of the Measures which it has thus adopted and of the reasons therefor. It shall also inform him as and when the measures cease to operate.

Article 9

Any dispute between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiations shall be referred to the International Court of Justice for decision unless the Contracting States agree to another mode of settlement.

Article 10

1. The present Convention shall be open for accession to every State invited to the United Nations Conference on Freedom of Information held at Geneva in March and April, 1948, and to every other State which the General Assembly of the United Nations shall, by resolution, declare to be eligible.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 11

When any two of the States mentioned in Article 10 have deposited their instruments of accession, the present Convention shall come into force between them on the thirtieth day after the date of the deposit of the second instrument of accession. It shall come into force for each State which accedes after that date on the thirtieth day after the deposit of its instrument of accession.

Article 12

Any Contracting State may denounce the present Convention by notification of denunciation to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the Secretary-General of the United Nations of the notification of denunciation.

Article 13

(a) A State party to the present Convention may at the same time of its accession thereto or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that the present Convention shall extend to any of the territories for the international relations of which it is responsible, and the Convention shall extend to the territories named in the notification as from the thirtieth day after the date of receipt by the Secretary-General of the United Nations of the notification. The respective Contracting

States undertake to seek immediately the consent of the Governments of such territories to the application of the present Convention to such territories, and to accede forthwith on behalf of and in respect of each such territory, if and when its consent has been obtained.

(b) A State which has made a declaration under paragraph (a) above extending the present Convention may with the consent of the Government concerned at any time thereafter by notification to the Secretary-General of the United Nations declare that the Convention shall cease to extend to any territory named in the notification, and the Convention shall then cease to extend to such territory six months after the date of receipt by the Secretary-General of the United Nations of the notification.

Article 14

The Secretary-General of the United Nations shall notify each of the States referred to in Article 10 of the date of the deposit of every instrument of accession and of the date on which this Convention comes into force and of any information received by him in accordance with the provisions of Article 11 and of every notification received by him in accordance with the provisions of Articles 12 or 13.

ANNEX B

DRAFT DECLARATION AND DRAFT COVENANT

ON HUMAN RIGHTS

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION,

HAVING CONSIDERED the resolution of the Economic and Social Council of 3 March 1948 referring to the Conference for its consideration and report Articles 17 and 18 of the Draft Declaration on Human Rights and Article 19 of the Draft Covenant on Human Rights with the recommendations of the Sub-Commission on Freedom of Information and of the Press,

IS OF THE OPINION that:

I. Articles 17 and 18 of the Declaration may be embodied in one Article as follows:

Everyone shall have the right to freedom of thought and expression; this right shall include freedom to hold opinions without interference and to seek, receive and impart information and ideas by any means and regardless of frontiers.

II. Article 19 of the Draft Covenant on Human Rights may be as follows:

1) Every person shall have the right to freedom of thought and the right to freedom of expression without interference by governmental action; these rights shall include freedom to hold opinions, to seek, receive and impart information and ideas, regardless of frontiers, either orally, by written or printed matter, in the form of art, or by legally operated visual or auditory devices.

2) The right to freedom of expression carries with it duties and responsibilities and may, therefore, be subject to penalties, liabilities or restrictions clearly defined by law, but only with regard to:

(a) matters which must remain secret in the interests of national safety;
(b) expressions which incite persons to alter by violence the system of Government;

(c) expressions which directly incite persons to commit criminal acts;

(d) expressions which are obscene;

(e) expressions injurious to the fair conduct of legal proceedings;

(f) infringements of literary or artistic rights;

(g) expressions about other persons natural or legal which defame their reputations or are otherwise injurious to them without benefiting the public;

(h) the systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples and states;

A state may establish on reasonable terms a right of reply or a similar corrective remedy.

3) Measures shall be taken to promote the freedom of information through the elimination of political, economic, technical and other obstacles which are likely to hinder the free flow of information.

4) Nothing in this Article shall be deemed to affect the right of any State to control the entry of persons into its territory or the period of their residence therein.

III. THE CONFERENCE, having considered the above Articles of the Declaration and the Covenant, and the Second Report of the Sub-Commission,

IS OF THE OPINION that Article 17 of the Covenant is intended to apply to the freedom of expression of individuals as well as to the freedom of media of information and, considering there are particular provisions in many sources of law which restrict the freedom of expression and information other than those permitted by the Draft Article 17 suggested above,

RESOLVES, that the problem created by the omission of such provisions be called to the attention of the Commission on Human Rights.

ANNEX C

RESOLUTIONS

CHAPTER I

GENERAL PRINCIPLES

Resolution No. 1

WHEREAS

Freedom of Information is a fundamental right of the people, and is the touchstone of all the freedoms to which the United Nations is dedicated, without which world peace cannot well be preserved; and

Freedom of information carries the right to gather, transmit, and disseminate news anywhere and everywhere without fetters; and

Freedom of information depends for its validity upon the availability to the people of a diversity of sources of news and of opinion; and

Freedom of information further depends upon the willingness of the press and other agencies of information to employ the privileges derived from the people without abuse, and to accept and comply with the obligation to seek the facts without prejudice and to spread knowledge without malicious intent; and

Freedom of information further depends upon the effective enforcement of recognized responsibilities,

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION RESOLVES, THEREFORE,

1. That everyone shall have the right to freedom of thought and expression; this shall include freedom to hold opinions without interference; and to seek, receive and impart information and ideas by any means and regardless of frontiers;

2. That the right of news personnel to have the widest possible access to the sources of information, to travel unhampered in pursuit thereof, and to transmit copy without unreasonable or discriminatory limitations, should be guaranteed by action on the national and international plane;

3. That the exercise of these rights should be limited only by recognition of and respect for the rights of others, and the protection afforded by law to the freedom, welfare, and security of all;

4. That in order to prevent abuses of freedom of information, governments in so far as they are able should support measures which will help to improve the quality of information and to make a diversity of news and opinion available to the people;

5. That it is the moral obligation of the press and other agencies of information to seek the truth and report the facts, thereby contributing to the solution of the world's problems through the free interchange of information bearing on them, promoting respect for human rights and fundamental freedoms without discrimination, fostering understanding and co-operation between peoples, and helping maintain international peace and security;

6. That this moral obligation, under the spur of public opinion, can be advanced through organizations and associations of journalists and through individual news personnel;

7. That encouragement should be given to the establishment and to the functioning within the territory of a State of one or more non-official organizations of persons employed in the collection and dissemination of information to the public, and that such organization or organizations should encourage the fulfilment inter alia of the following obligations by all individuals or organizations engaged in the collection and dissemination of information;

(a) To report facts without prejudice and in their proper context and to make comments without malicious intent;

(b) To facilitate the solution of the economic, social and humanitarian problems of the world as a whole through the free interchange of information bearing on such problems;

(c) To help promote respect for human rights and fundamental freedoms without discrimination;

(d) To help maintain international peace and security;

(e) To counteract the spreading of intentionally false or distorted reports which promote hatred or prejudice against States, persons or groups of different race, language, religion or philosophical conviction;

8. That observance of the obligations of the press and other agencies of information, except those of a recognized legal nature, can also be effectively advanced by the people served by these instrumentalities, provided that news and opinion reach them through a diversity of sources and that the people have adequate means of obtaining and promoting a better performance from the press and other agencies of information.

Resolution No. 2

WHEREAS the peoples of the world have embodied in the United Nations their determination to protect mankind from the scourge of war and to prevent the recurrence of aggression from Nazi, Fascist, or any other source;

WHEREAS the attainment of a just and lasting peace depends in great degree upon the free flow of true and honest information to all peoples and upon the spirit of responsibility with which all personnel of the press and other agencies of information seek the truth and report the facts;

and WHEREAS, by inaccurate reports, by defective or distorted presentation and deliberate or malicious mis-interpretation of facts in various parts of the world, peoples have been misled and their mutual understanding has been seriously endangered;

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

ENDORSES the resolutions of the second General Assembly on propaganda which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression, and on the spreading of false and distorted reports;

DECLARES that all such propaganda and such reports:

(a) are contrary to the purposes of the United Nations as defined in the Charter;

(b) constitute a problem of the first importance calling for urgent corrective action on the national and international planes;

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